



Town of New Windsor

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OFFICE OF THE PLANNING BOARD WEDNESDAY - JUNE 26, 2002 - 7:30 PM TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: MAY 8, 2002 & MAY 22, 2002

POSSIBLE Z.B.A. REFERRALS:

1. GMH MILITARY HOUSING SUBDIVISION (02-16) STEWART TERRACE (BL COMPANIES) 2-Lot subdivision for multi-family facility.
2. GMH MILITARY HOUSING SITE PLAN (02-17) STEWART TERRACE (BL COMPANIES) Military and private owned multi-family housing.
3. GMH MILITARY HOUSING SITE PLAN (02-18) STEWART TERRACE (BL COMPANIES) Military and private owned multi-family housing.

ANNUAL MOBILE HOME PARK REVIEW:

- a. HUDSON VIEW MOBILE HOME PARK – (TOBACK)

PUBLIC HEARINGS:

4. SABINI SITE PLAN (02-06) RT. 300 (PIETRAZAK & PFAU)
Convert single family home to office use.
5. PEACH TREE ACRES SUBDIVISION (02-12) SHAW ROAD (MULLIGAN)
Proposed 5-lot residential subdivision.

REGULAR ITEMS:

6. JEZIK LOT LINE CHANGE (02-13) BEATTIE ROAD (ADONI ENGINEERING)
Residential lot line change.
7. FOX MEADOW SUBDIVISION (01-51) TOLEMAN ROAD (HIGGINS)
23 – Lot residential subdivision

CORRESPONDENCE

8. ZONING CODE REVISIONS RECOMMENDATIONS

DISCUSSION

ADJOURNMENT

(NEXT MEETING – JULY 10, 2002)

June 26, 2002

1

TOWN OF NEW WINDSOR

PLANNING BOARD

JUNE 26, 2002

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JIM BRESNAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

REGULAR MEETING

MR. PETRO: I'd like to call the June 26, 2002 Town of New Windsor Planning Board meeting to order. Has everyone had a chance to read the minutes dated May 8, 2002 and May 22, 2002?

MR. LANDER: So moved we accept them.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written. Any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS AYE

June 26, 2002

2

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

POSSIBLE Z.B.A. REFERRALS

GMH MILITARY HOUSING SUBDIVISION (02-16)

GMH MILITARY HOUSING SITE PLAN (02-17)

GMH MILITARY HOUSING SITE PLAN (02-18)

MR. PETRO: Two lot subdivision for multi-family facility. Mark, do we have to do all this separately or do them all three at the same time?

MR. EDSALL: I think we should ask for the presentation and that may clarify which of the three applications require the referral but we'll consider it one action under SEQRA so I see no reason why we can't consider them altogether at this point.

James Loeb, Esq. appeared before the board for this proposal.

MR. LOEB: Good evening, ladies and gentlemen, my name is James Loeb from Drake, Somers, Loeb, Tarshis & Catania and I'm here tonight for GMH project. I'm accompanied by Nick Safrese (phonetic) from GML, by Carl Schultz, who is the architect and by Chris Navitsky (phonetic) from BLT Engineering and it will be Chris who will present what we have. I think many of you are aware of this project, it's interesting and a very new concept where the United States Government here through the Department of Navy is about to partner with a private company to redo the housing, the military housing at Stewart. This is the first which I'm aware but since I have spoken with these people, I now understand that it is happening across the country at military installations all over the United States, a way of getting private industry to come and rebuild the military housing. And what happens is that the military housing is rebuilt, private industry gets a share at building her market rate rental housing and it partners with here the department of the Navy in that market rate housing as well so that it's a different concept. Certainly is one that I think means that the people who are in the military are going to end up with new housing. It's not going to get it from Congress, it's pretty apparent, so this is how it can be done. This site which you all know has existing housing on

it, military housing, it's going to be divided roughly in half and Chris will go over that. As far as the acreage is concerned, the military housing will be in one site and as to that site, we do not need any variances, the private, the non-military housing market rate housing we're going to need a variance because since 9-11, the military is now requiring what they didn't in the past and that's a division and a secure military presence in the military housing. So we have to have a 2 lot subdivision to separate the military housing and a line is drawn so that the overall density is all right but when we draw the line, we need a variance for the private non-military housing. And Chris can go over the plan and show you the details. What we're proposing is the number of units, living units that meets the new zoning which the Town Board is working on. What we'd like to do is similar to model homes, we'd like to have one unit in the market rate which would not be, would never be occupied, no C.O. would be issued for it, it would be purely and simply a model apartment, so that we would have if memory serves me 263 market rate units and one more which would never be occupied by a family. So that we would have no more living units than the new zone would permit. But the real question is the referral and I hope it's not possible, just truthful to the zoning board so that we can ask them for that area variance where Chris shows, you will show the line in a minute. We prepared site plans, copies of all of this for the board members and copies of the computations which explain why we need that one variance.

MR. PETRO: Jim, before Chris starts, just I want to understand you're allowed 263 units?

MR. LOEB: We're allowed.

MR. PETRO: In the R-5 zone.

MR. LOEB: No, total number of units that we would be permitted is 434, what we're proposing is 434 living units plus a model apartment which would never be occupied.

MR. PETRO: The reason I asked you that why not make it

433 and add the other one? You're basically just squeezing one more in.

MR. LOEB: Well, we're basically producing a model apartment, I mean, if that's going to be--

MR. PETRO: It may trigger another variance.

MR. LOEB: If that's going to be a show stopper, I'm sure that my clients will go back and reconsider it, but I wanted to tell you what you'll see before you tonight, you know, we--

MR. PETRO: Do you agree?

MR. EDSALL: I think the purpose of that unit is more as an office to show the unit, a typical unit, but it wouldn't be an occupied unit so we'd rather have you call it a sales office.

MR. BABCOCK: That wouldn't come into the number count of the unit count.

MR. PETRO: From now on, it's an office. Make your presentation.

MR. LOEB: As I said, it's 433 units and an office.

MR. PETRO: Okay.

MR. LOEB: I misspoke.

MR. NAVITSKY: We have the layout of the proposed site just for your orientation, 207 would be right down here, north is up in this direction, the Little Britain Elementary School would be right over here and the airport would be up in this area. I have in the rendering we have shown the existing road network will remain as is. There will be no new roads put in with this. The roads are not to be dedicated to the township as part of this project. The military housing is in the western half of the project, such as up in this area which will consist of primarily townhouses and what you're referring to as a lower terrace and the upper terrace or the upper portion will consist of

townhouses duplexes and some three single family homes for the upper military officers. What we're referring to as a market rate is the section down here which will consist of a number of apartment, high rent apartment complexes which will vary from 1, 2 and 3 apartments. In each portion of each lot of the subdivision there will be some amenities which will contain a clubhouse, a pool, basketball court and those items along with some lots, I have the breakout of the units here, just so that you can see the numbers if you want to pass them down.

MR. PETRO: After you pass that out, not to cut you short either, just show us where the line is going to go so we can send you to the ZBA.

MR. NAVITSKY: Certainly. The proposed subdivision line would be along this area and basically follow where the approximate tree line is to be, so that would be the subdivision line as broken out. This breaks out lot 1, I believe you're calling the military or the market rate into approximately 32.2 acres with the 263 units, in an area of approximately 5,300 I believe square feet per unit. The military portion or lot 2 will have 171 units at 37.5, I believe thereabouts, which works out to approximately 9,300 square feet per unit.

MR. PETRO: Why the irregular lot line? Are you trying to gain space for the other side?

MR. NAVITSKY: We're trying to maximize what we could down for the market rate to increase that square footage.

MR. PETRO: I'll just make a suggestion that you maybe straighten the line out a little bit and how many variances are you going for, 24, is it 25 units?

MR. NAVITSKY: No, no, the variance will be, yeah, actually, yes, you're right up in that area.

MR. PETRO: So I don't know if it makes sense or not, Mark, you might want to look at it, straighten the line out instead of following that crazy line there cause

all they're doing is trying to gain space on the other side to make the variance less, straighten out the line. If you're going to get a variance, they might give you one for 50 units and you have a nice straight lot line, just something to look at.

MR. EDSALL: Let the ZBA know that you really don't have a problem with the variance being increased if the line is laid out in a more functional fashion.

MR. PETRO: Correct.

MR. ARGENIO: No, makes sense.

MR. PETRO: To follow that crazy line, somebody 300 years from now will say boy, somebody was drunk when they laid that out.

MR. EDSALL: Ask the applicant to prepare one plan which minimizes the variance and the other plan which is the way they prefer to have it which may increase the variance and let the Zoning Board deal with it based on the recommendation.

MR. NAVITSKY: Overall the entire parcel as it is right now, the 69.81 acres will be in compliance but again, it was just the necessity to provide the separation, security purposes.

MR. PETRO: I think the Zoning Board would be inclined to give you, if you're going to get a variance anyway, as long as it's not ridiculous, they would go with that and give it a straighter line, that would be my recommendation anyway. Okay, do you have anything else?

MR. NAVITSKY: No, again, this will be serviced by public water and public sewer, there will be improvements to the existing sewage system out there to address some of the aged facilities.

MR. PETRO: We're way ahead of you by telling you this, sidewalks one side of the road for sure.

MR. NAVITSKY: We've got those.

MR. PETRO: The other road at the end up on the, yes, as it connects in, we need it.

MR. NAVITSKY: Yes, we're working on that and working on an easement, there's about 6 easements which carry that out to Jackson Avenue and those are being researched right now. We have secured four of those in looking at where the others are actually right now but we know that that's a key component.

MR. PETRO: The landscaping and underground utilities.

MR. NAVITSKY: Yes, all proposed.

MR. PETRO: Motion for final approval.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the GMH Military Housing Subdivision, Stewart Terrace. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	NO
MR. BRESNAN	NO
MR. LANDER	NO
MR. ARGENIO	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been sent to the New Windsor Zoning Board for your necessary variances. If you are successful and receive those variances, put them on the plan, you can then appear before this board once again.

MR. NAVITSKY: Thank you very much.

MR. EDSALL: Could you just have whoever made and seconded that motion have it say the subdivision and site plans so that we're referring to all three so if

June 26, 2002

9

we can just have the minutes include all three.

MR. ARGENIO: I made it for all three on the agenda.

MR. PETRO: Thank you.

MR. LOEB: Thank you. Good night.

ANNUAL MOBILE HOME PARK REVIEW

HUDSON VIEW MOBILE HOME PARK

Ms. Toback appeared before the board for this review.

MR. PETRO: Mike, some from your department been to the site for the Hudson View Trailer Park?

MR. BABCOCK: Yes, I went over it with Mrs. Toback, there's some units there that put up the 911 numbers that aren't large enough, there's some units that don't have the numbers and there's some other miscellaneous items she said she'd take care of.

MR. PETRO: Excessive garbage on the grounds, south end of the park?

MS. TOBACK: That was garbage day, they came, the people put it out front, they came on a Monday and they put it all out for the garbage man. I don't know if that had anything to do with it, usually they keep it in the back.

MR. PETRO: That's Mike's department. I'm just reading that particular one because he underlined it. Do you have a check for \$135 made out to the Town of New Windsor?

MS. TOBACK: Yes, I do.

MR. PETRO: Anybody have any additional comments? If not, I'll entertain a motion for one year extension.

MR. ARGENIO: One year extension Hudson View Mobile Home Park.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Hudson View Trailer Park. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

June 26, 2002

11

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

SABINI SITE PLAN (02-06)

Mr. Mark Seimers and Mr. Jerry Sabini appeared before the board for this proposal.

MR. PETRO: Application proposes conversion of existing residence to an office building. The plan was previously reviewed at 27 March, 2002, 22nd May, 2002 planning board meetings and before the board for a public hearing at this meeting. The property's located in a C zone. The use proposes A-1 through A-4 are retail, banks, personal service, offices and services establishments. Bulk information as shown is correct. Why don't you make a presentation, go over this.

MR. SEIMERS: Basically, we're taking two lots that total half an acre and we're taking existing building on there, we're converting it from residential to office space. We're proposing a parking lot, there's two lights, a pole mounted light, wall mounted and light mount on the pole to light the parking lot. I believe it's been submitted to the DOT. To my knowledge, we haven't heard back from them yet.

MR. PETRO: Anything from DOT here?

MS. MASON: No.

MR. SABINI: Nothing on the entrance?

MS. MASON: No.

MR. PETRO: Okay, we went over this, I think it's the third time, there's a couple technical notes that we'll go over from Mark.

MR. LANDER: I think the only other issue was the drainage on that site.

MR. PETRO: We went and looked at that and see where that's going. Sheet flow to the road going down to the nearest culvert.

MR. SABINI: Yes.

MR. PETRO: June 11, 2002, 11 addressed envelopes containing the attached notice of public hearing were sent out. Someone is here and would like to speak for or against this application, be recognized by the Chair, come forward and state your name and address and any of your concerns. Anyone like to speak? Let the record reflect that the Chair sees no one who'd like to speak. Entertain a motion to close the public hearing for the Sabini Site Plan.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Sabini site plan on Temple Hill Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I would open it back up to the board for any further comment. Mark, why don't you go over your couple comments quickly.

MR. EDSALL: Real minor, just a correction to one of the notes on the plan dealing with the, or actually an additional note following site plan approval they'll merge the lots prior to issuance of a building permit. We had discussed the location of the waste enclosure which is fine, but one of the requirements that the building department always asked is that we have a detail so we know what's required when we do the site inspection so that detail has to be finalized and light fixtures they're giving us a model, but I didn't receive any manufacturer's literature. I'm not quite

sure if it's the cut-off type fixture that the board asked for.

MR. SABINI: It's the same one that was on the self-storage complex on 207, it's the same lighting.

MR. EDSALL: I've looked at the thousand lights since then. I thought there was a couple different ones so if you can just make a copy of it. That way, I'll be sure which one it is and the file will be clear.

MR. PETRO: Plans with the DOT, May 24, 2002, 30 days has elapsed.

MR. EDSALL: Well, it's 30 days for a referral for a SEQRA coordination. There's not a time line on these, however, we're having some problems having the new DOT staff in Newburgh understand that we're referring these not for a permit but for some comments to benefit this board in completing your review.

MR. ARGENIO: This is item 3 you're referring to?

MR. EDSALL: Yes, my suggestion would be that if you believe a reasonable amount of time has elapsed just make that a subject of any approval.

MR. PETRO: Motion for negative dec.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Sabini site plan. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I've seen this enough times. I would suggest that we have a motion for final approval subject to a couple of Mark's comments and DOT signing off on it.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to the Sabini site plan on Temple Hill Road subject to two or three of Mark's comments there, three, I believe, right, Mark, A, B and C.

MR. EDSALL: And number 6 and the DOT.

MR. PETRO: Yeah, he'll get to that DOT must respond before I can sign the plans, Jerry, understand that? And the planning board should require that a bond estimate be submitted for this site plan in accordance with Chapter 19 of the Town Code. Take care of that with Mark, also.

MR. SABINI: Okay.

MR. PETRO: Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PEACH TREE ACRES SUBDIVISION (02-12)

Mr. Ray Mulligan appeared before the board for this proposal.

MR. PETRO: Proposed five lot residential subdivision. This application proposes the subdivision of 26.7 acres into 5 single family residential lots. The plan was previously reviewed at the 22nd May, 2002 planning board meeting and before the board for a public hearing. Property is located in an R-1 zone which is permitted use by law and then we have a couple of Mark's comments, so I guess you'll make a presentation.

MR. MULLIGAN: We were last before the board last month, Mr. Edsall requested some additional detailing for the septic system. We have provided that information on sheet 2 and we're here for the public hearing.

MR. PETRO: Can you expand on that?

MR. MULLIGAN: Sure, try to keep it short and sweet for you.

MR. PETRO: Okay, let's see where we are with some comments here. Mark, you say as previously needed sheet 2 of the plans should clearly indicate that all the lands shown thereon are part of proposed lot number 5?

MR. EDSALL: Yeah, that's just a minor note they have to add.

MR. PETRO: Obviously, the size of the lots conform with the new zones.

MR. MULLIGAN: All the lots meet the current bulk requirements.

MR. PETRO: There's not a lot to look at, so let's open the public hearing. June 11, 2002, 24 addressed envelopes containing the attached notice of public hearing were mailed. Once again, if someone is here, would you like to speak for or against or, just make a

comment for this application, please be recognized by the Chair, come forward and state your name and address. Would anyone like to speak?

MS. NIXON: My name is Andrea Nixon, I live at 198 Shaw Road, I just have a question, right across from our driveway, there's a cleared area and we just wanted to know what was proposed for that?

MR. PETRO: Why don't you come up and show us on the map. Off the record.

(Discussion was held off the record)

MS. NIXON: Thank you.

MR. MULLIGAN: Her question was about this area here, there's no planned-on construction in her area of concern.

MR. PETRO: Okay, let the minutes reflect that there's no other hands. Entertain a motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Peach Tree Acres subdivision on Shaw Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the Peach Tree Acres major subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. LANDER: Do you have anything from the highway department?

MR. PETRO: We have still under review, no drainage included, no comment at this time, that's from 5/22. Have you been in contact with Mr. Kroll since?

MR. MULLIGAN: No, sir, we did add some culverts for the driveways as requested by Mr. Edsall, but that's the only formal drainage we have provided on the site.

MR. PETRO: Myra told me he has the plan, he's not finished reviewing it, so if that's the only concern, we can make it subject to his approval.

MR. EDSALL: Jim, I had one other question that I wasn't sure how far you were going to go tonight on the sanitary systems. You've got a variety of perc tests and you've located the systems and you've indicated the soil test results, but looks like you only have one selection down for the actual design, are they all the same?

MR. MULLIGAN: No, we're going to, what we'd like to do if it's okay with you we'd like to keep it flexible, depending on the number of bedrooms. We assume four bedrooms being the maximum and the maximum length of the trench will determine that per the New York State

Department of Health guidelines.

MR. EDSALL: Well, to file the plan, you need to show sanitary design for each lot.

MR. MULLIGAN: That's not a problem.

MR. EDSALL: You did show four, if somebody came in with a three, the building department would allow you to build a smaller system, so that would just be that they have to finish that design information on the plan.

MR. PETRO: Well, I don't have any problem with going any further. We can finish it up if you want, it would be two subject-to's, design information and highway getting the final.

MR. EDSALL: And the other open items on my comment sheet, just minor corrections.

MR. PETRO: Motion for final approval.

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Peach tree acres major subdivision on Shaw Road, subject to the design information Mark just talked about being implemented on the plan, New Windsor Highway Department giving their approval and any other comments from our engineer on this sheet. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

REGULAR ITEMS:

FOX MEADOW SUBDIVISION (01-51)

Mr. John Lanc appeared before the board for this proposal.

MR. PETRO: This application proposes major subdivision of 82.4 acre parcel with a horse farm to remain. Plan was previously reviewed at the 8 August, 2001, 14 November, 2002, 23 January, 2002 planning board meetings. Property is in an R-1 zone, bulk requirements indicated are correct. Mr. Lanc?

MR. LANC: It's 24 lots including the farm.

MR. PETRO: Did we assume lead agency?

MS. MASON: No.

MR. PETRO: Can I have a motion to assume lead agency, please?

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board assume lead agency under the SEQRA process for the Fox Meadow Estates on Toleman Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. LANC: I'm at a little bit of a loss in that Dave Higgins is usually presenting the subdivision. I believe at this time, he might be a new father or he's on the way to becoming a new father, they're expecting

today.

MR. PETRO: Does his wife know? I'm only kidding.

MR. LANC: I think it's supposed to be a girl. The only problem is you might want to ask him next time because as of this morning, they still didn't know what they were going to name it.

MR. PETRO: Okay.

MR. LANC: We have a subdivision total of 82 acres located on the easterly side of Toleman Road. This is Toleman Road, this would be on the easterly side, we're proposing to subdivide it in total of 24 lots, this is R-1 which is rural residential, minimum lot area is one acre. We have four lots that are one acre, all of the other ones are larger usually around 2, 2 plus acres. We have 2 large lots, one 12 1/2 and the other one the 27.3 acres. We received comments from your engineer. We satisfied I believe most of them at this time. We moved, for example, the property line, proposed property line here away from the paddock. We also contacted AT&T and we have received permission from them to encroach on the easement, this is a permit that is executed by AT&T and the applicant. At this time, we're basically in front of the board to ask for scheduling the public hearing so we can receive approval and go to the health department for their review.

MR. PETRO: Mark, two things that come real quick, one was the topo of the road, are they conforming because I know it goes up quickly and sight distance?

MR. EDSALL: They have decreased some of the slopes and I believe Henry's okayed this layout but--

MR. PETRO: He has under review.

MR. LANDER: Is this going to be a boulevard coming down to Toleman Road, we discussed that last time.

MR. EDSALL: I don't know that this one ended up desiring that layout.

MR. LANC: Thirty feet wide road.

MR. EDSALL: I think he just wanted the 30 foot road.

MR. PETRO: When the applicant creates this new lot line around the horse farm wasn't there some buildings or something that was too close to the property line and he was going to make a variance?

MR. EDSALL: Yeah, there was one location at least I know there was a fence that we were concerned about.

MR. PETRO: Is that the only one?

MR. LANC: We moved the line about ten feet from the--

MR. EDSALL: We'll check that as well.

MR. PETRO: I'd also ask the applicant to look and just let us know anyway once the water leaves your basin, where is it going to go and somewhat of a flow there because you're going to be collecting a lot of water in that basin. Now I realize that the way the basin is supposed to work, supposed to let it out the same way it's always been going out.

MR. LANC: We have a total of two basins, one's in this area behind number 17 and 18 and the other one is right next to lot number 1, this basin will discharge into the culvert that's under the existing road of the subdivision next door. We'll provide Mark with calculations showing that that's a zero increase in the flow.

MR. ARGENIO: I don't often say a lot of commentary but I specifically remember mentioning to someone around station 1,400 or 1,500 left looking into the possibility of putting a piece of maybe a wood guardrail to protect the two lots from somebody coming down the hill, losing control of their car in the winter and the ice and snow, landing in somebody's front yard or their house worse yet. Do you know anything about that, Mr. Lanc? Maybe you don't think it's necessary for some reason.

MR. LANC: I don't think it's necessary, we have curbs on that road so I believe that--

MR. ARGENIO: Which side of the road is the sidewalk on?

MR. LANC: I'm not sure that we have sidewalk on this subdivision.

MR. EDSALL: There was a--

MR. LANC: I have to apologize, I don't know.

MR. EDSALL: There was an open issue whether or not they were going to pursue a waiver on the sidewalks, it's listed as a question mark on my old sheet.

MR. ARGENIO: Do you know the status of that?

MR. LANC: I don't, it's a cul-de-sac, it's a dead-end street, so I would assume everybody who's coming downhill went first uphill so they're aware of the curb and they would not go hopefully too fast, curve is a sharp curve, so you're not going to go your regular 30 miles an hour in the curve. And from my own experience because I have to go to these planning board meetings at night when it's icy, I know when I sometimes slide, I go to the curb and that curb basically will stop you unless you go excessive speed.

MR. ARGENIO: Well, I think it was a combination of the radius and downhill grade that made me make the commentary.

MR. LANC: If your highway superintendent believes that we should have some kind of a guiderail, I believe we could provide it. But I really don't think that's necessary when you have a six inch reveal on the curb because it's icy, you'll not go fast and if you start to slide, you basically you'll hit the curb, you might need alignment of your tires after that, but I don't think you'll be over the curb to need a guiderail. But again, it's your highway superintendent and he has the final say on it, but that would be my recommendation,

it would be different if there was a swale, if there was a swale, I would definitely recommend it.

MR. ARGENIO: Okay.

MR. PETRO: Mark, what was the easement we were talking about at the last meeting?

MR. EDSALL: The AT&T that John mentioned.

MR. PETRO: No, to have another access to the lands of Keans, maybe off the cul-de-sac, we discussed it, it's in the minutes here, Myra's showing me, I'm trying to recall.

MR. EDSALL: It might be that you wanted to reserve the ability to extend that road.

MR. PETRO: Yes, it was up there.

MR. EDSALL: It's tough terrain up there.

MR. LANC: I remember talking about with Dave and what comes back to my mind was that he mentioned something that terrain is so steep that it's not really feasible to make another access through that area.

MR. PETRO: I'm going basically through here, right?

MR. LANC: Yes, contours are very close here all the way through.

MR. ARGENIO: Where is that, Jim?

MR. PETRO: If you take the cul-de-sac and just go to the top of the plan between 10 and 11.

MR. BABCOCK: It's 40 feet difference in elevation.

MR. PETRO: On 3008, so it's close.

MR. BABCOCK: Yeah, that's true, a little over 12 percent. You know what I think we should have Mr. Keans' final plan to lay alongside of this so that it would if we're going to ask him to have one where it

would come out, it would come out that it would benefit.

MR. PETRO: Can you look at that, Mark?

MR. EDSALL: Yeah.

MR. PETRO: Wouldn't take from your lot any, the lot is certainly big enough to take 50 feet off, if you're under one acre zoning, you have 2.6 acre lot, you can certainly relocate the house. So Mark, you're going to look into that?

MR. EDSALL: I'm looking to pull his plan out.

MR. PETRO: If it does make sense then we'll ask again for the 50 feet. Let us know about the topo later.

MR. LANC: Okay.

MR. BABCOCK: The sidewalks was an issue, too, he's, if he wants to go to the Town Board for a waiver, I think he has to have your blessing to do that, if you want him to have sidewalks on one side, both sides or a recommendation.

MR. LANDER: He can go for the waiver whether he has our blessing or not, but whether he gets it after he gets there is another thing.

MR. BABCOCK: That's correct.

MR. PETRO: Why would he not want a sidewalk on at least one side?

MR. BABCOCK: That's why I want to talk about that.

MR. PETRO: Who would want a sidewalk on one side? Why would we did any different, at least one side, that's it, you don't want to do that and want to go to the Town Board, we'd give a negative recommendation to the Town Board. That's all.

MR. LANC: Don't have a problem. I have designed a lot of subdivisions one side of the road sidewalks kind of

satisfies everybody, I heard other people saying we don't want any other people saying why it's not on my side also until the winter comes.

MR. PETRO: Okay, motion to have a public hearing.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded to schedule a public hearing for the Fox Meadow Estates major subdivision. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: That's as far as we're going to go tonight. Get together with Myra, whenever you're ready, you'll be on.

MR. LANC: Thank you.

MR. PETRO: I'd like to get that resolved with the easement prior to the public hearing though to have that on the plan.

MR. LANC: Mark, I will talk to Mark about that.

MR. PETRO: Mark, I'd like that resolved before the public hearing, okay?

MR. EDSALL: We'll work on that.

JEZIK LOT LINE CHANGE (02-13)

Mr. Nelson Pierre appeared before the board for this proposal.

MR. PIERRE: My name is Nelson Pierre and we're representing the applicant for this application. The intention is to cut the remaining portion of this lot. Originally, this lot Section 55, Block 1, Lot 65.22 contained about 7.4 acres and we're creating one lot of two acres and the remainder of 5.84 acres will be consolidated with the 7.38 acres which is on the north side so the application basically is for a lot line change to create this condition.

MR. PETRO: You're putting this one in, taking that one out? Show me one more time removing that one.

MR. PIERRE: Create a two acre parcel and the remainder of 5.4 would be consolidated with this 7.8 acres.

MR. PETRO: That's a new line also though up on--

MR. PIERRE: This line would be removed.

MR. PETRO: That one that's already existing.

MR. PIERRE: This is existing.

MR. ARGENIO: So you're relocating the faint line to create the smaller line?

MR. PIERRE: Yes, we're removing this present line to create one lot.

MR. BABCOCK: They're relocating the driveway in the front so it's on the 2 acre piece.

MR. LANDER: And that lot already exists?

MR. BABCOCK: That's correct.

MR. PETRO: Motion for lead agency.

MR. BABCOCK: It exists is as a 5.4 acre lot.

MR. ARGENIO: When you're done, it's going to be one 2 acre lot and one larger lot?

MR. PIERRE: Yes.

MR. LANDER: It's already 5.4 acres, right?

MR. PIERRE: It will be 13 acres.

MR. ARGENIO: 13.2 and then one lot that's two acres?

MR. PIERRE: That's correct.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Jezik lot line change on Beattie Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning board may wish to make a determination under the SEQRA process. First, let's talk about a public hearing, I do not see where this is necessary to have a public hearing, you're only changing lines on the map.

MR. LANDER: Motion to waive the public hearing.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing

under its discretionary judgment for Jezik lot line change on Beattie Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Jezik lot line change. Is there any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Mark, you have 3 or 5 comments here?

MR. EDSALL: Just clean-up, I would suggest if it's acceptable that you just approve it subject to a couple corrections on the map.

MR. PETRO: Motion to that effect.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the

Jezik lot line change, subject to Mark's comments being adhered to. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

CORRESPONDENCE

ZONING CODE REVISIONS RECOMMENDATIONS

MR. PETRO: Zoning code revisions recommendations. We issued them at the last meeting, everybody had a chance to read them? We're going to do them in one lump recommendation to the Town Board? What's your question?

MR. ARGENIO: I have one question, section 48-19 A.5 talks about the basins, I know, just hold it in, Jimmy, talks about those water quality basins, it says it shall be made an obligation of the owner of the site who's to maintain it. Who owns the site after it's subdivided? I don't understand, is that--

MR. EDSALL: That's for site plans. The way we broke that out was if it's a subdivision, you create a drainage district and then all the property owners would be part of the district. For site plans, we clearly have one owner when we're trying to keep the town out of it.

MR. ARGENIO: Understood, that answers the other question, too.

MR. EDSALL: So far its working. We need a motion for a positive recommendation to the Town Board of New Windsor for a positive recommendation to the zoning changes for Section 48-5, 48-12, 48-17.5, 48-18, 48-19, 48-23.1 and 48-28.1. Are there any additions or corrections or any further comments from any of the board members?

MR. ARGENIO: I'll make that positive recommendation.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that you New Windsor Planning Board make a positive recommendation to the Town Board of New Windsor for the section numbers that I have just read into the minutes. Any further comments from any of the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. KARNAVEZOS: I've got one comment and I should of brought it up before, this thing about the supplemental signage regulations. If somebody is campaigning and they're getting into the primaries and they're campaigning during the primaries and going into the election, are you going to yank the signs out before it says 60 days, right?

MR. PETRO: Normally, what happens if someone's in a primary, they don't enforce to take the signs down and then put them back up because if you overlap them, those two time periods, they'll overlap, you follow what I'm saying? If you went, I think they have to be, say the primaries are over September 12, and you have 60 days prior to November 3, that's going to be so close to your date anyway that they don't, it's not enforced, that's my understanding.

MR. KARNAVEZOS: The only reason I bring it up because a lot of people get out three months before the election and they'll have their signs out there, how do you know when the sign's there and when the sign comes out of there, you know what I mean?

MR. ARGENIO: I think it's my interpretation of it and I read the whole thing is that the Town Board wants to have something in there where if they find an individual politician or a couple politicians that tend to create a problem around town where there's eyesores they want to have something to be able to enforce that.

MR. PETRO: Let me tell you when the problem is, the problem is not what you're talking about so much as being early, it's when they don't take them down after they lose and normally, the winner's go out because they're in the spotlight so they go out. Loser may say

I'll aggravate everybody now.

MR. ARGENIO: No, the Town Board has the teeth to be able to tell the cops?

MR. PETRO: It's after the November 4 election that they sit around.

MR. KARNAVEZOS: So the town can just go pick them up off private property?

MR. PETRO: I would say correct.

MR. KARNAVEZOS: So it's basically for after the election?

MR. PETRO: That's the way I see it. That's the only time there's ever a problem.

MR. KARNAVEZOS: The only reason I say is because of the 60 day thing that would be the only thing that somebody might say well, wait a minute, he's had his signs up three months ago, it's two weeks before election, your thing says hey, 60 days, I want those things taken down.

MR. ARGENIO: Are you going to give Meyers a run? Is that where this is going?

MR. KARNAVEZOS: Yeah, right, I thought it may be interpreted after the election instead of giving 60 days.

MR. PETRO: Gives them flexibility, like say I can be running November 4, I can start January 3. Now, they can come and tell me it's a little too early, under normal practice, that doesn't happen. Matter of fact, people are a little late getting out. The only advantage comes to people in the primary and they start for September 12, that was always a contention, somebody in a primary has an advantage over somebody else because their signs are literally supposed to come down after the primary.

MR. BABCOCK: This is part of the change, Tom, if you

read this section, the section of this code 48-18 about the political signs, it will tell you when you can put them up so many days before election, so many days for this, you know when the 60 days are up because you can put them up at a certain date from that date 60 days after they have to be removed or we'll take them down so the whole thing is not here, this is a change, what we can do is I can get you a copy of the change, I'm not sure of the, what the law is, I'm not sure, but if you run in a primary, they can be so many days prior to the primary. And then if the primary goes over, you have within the primary they can stay up until so many days after the election, so you get that grace period automatically because you won the primary.

MR. KARNAVEZOS: That's the only reason I bring it up. I don't want to be, somebody to turn around and say be able to use that wording and say to, you know, to George Meyers hey, those signs should be gone, you've been up there 60 days, we know they've been there 60 days, we wanted them.

MR. BABCOCK: I think, Mr. Chairman, the real reason if you see the first amendment case of Sugarman, they actually had a lawsuit against the Town of New Windsor which made us do this code revision.

MR. PETRO: We still have a motion, is that enough?

MR. KARNAVEZOS: Yeah.

MR. PETRO: Still have a motion and it's been seconded. I'm ready for a roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

DISCUSSION

MR. EDSALL: Just an advisory, we had an applicant, I don't recall his name at the moment, but it involved the real estate office on Quassaick Avenue adjacent to where our office used to be, Zig's Realty, I think is the name of it, a particular person appeared at the workshop and was interested in converting that to a bath showroom for bathroom fixtures and so on and I consulted with Mike and it was Mike's position that because the parking requirement is identical that and they were not proposing any exterior improvements that it was not really an issue that we needed to bring before the planning board, they likely have a parking deficiency, it's not going to get any better, nothing they can do about it, if 9W parking is removed by the DOT, it's going to be made worse, but we have no control over it. The only issue that I brought to the applicant's attention he had to comply with the building code for any revisions. If no one objects, if you see a change, I didn't want it to be a surprise.

MR. PETRO: Any objections?

MR. ARGENIO: No.

MR. PETRO: Mike, take care of it.

MR. BABCOCK: Yes.

MR. PETRO: Motion to adjourn?

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE

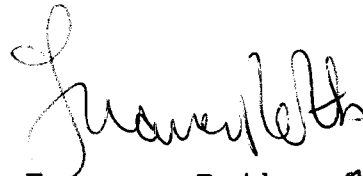
June 26, 2002

36

MR. PETRO

AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read "Frances Roth".

Frances Roth
Stenographer

7/24/02